

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Daniel J. Stallone, Code Compliance Official: 797-1121
Mark A. Kutney, AICP, Development Services Director: 797-1101

SUBJECT: Resolution

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 02-286 FROM \$20,000.00 TO \$2,109.19; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The property owners were cited for the following violations of the Town of Davie Code:

Section 12-328, Section 12-33(T) now Section 12-33(U), Section 26-1. Section 26-226(b), Section 8-17 and Florida Statutes Section 162.09(2)(a).

All violations have been corrected therefore mitigation is now possible.

PREVIOUS ACTIONS: Not applicable.

CONCURRENCES: The respondents agreed with the Mitigation Guidelines recommendation.

FISCAL IMPACT: Not applicable.

RECOMMENDATION(S): The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$2,109.19 should be considered by the Town Council and the respondent/applicant given 45 days to pay the mitigated amount.

Attachment(s): Resolution, Mitigation Request Summary, Mitigation Worksheet, Mitigation Inspection Report and Mitigation Guidelines.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF A CODE COMPLIANCE LIEN IN CASE NO. 02-286 FROM \$20,000.00 TO \$2,109.19; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Gabriel and Marcella Buitrago, have requested a mitigation of a Code Compliance lien from \$20,000.00 to \$2,109.19; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violations of Code Sections 12-328, 12-33(T) now 12-33(U), 12-372, 26-1, 26-226(b), 8-17 and Florida Statutes Section 162.09(2)(a). were corrected; and

WHEREAS, the mitigation amount of \$2,109.19 is in accordance with the mitigation guidelines; and

WHEREAS, Gabriel and Marcella Buitrago, and the Town of Davie Code Compliance Division are agreeable to such mitigation; and

WHEREAS, the Town Council is agreeable to such mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the certain Code Compliance lien arising out of Case 02-286 in the amount of \$20,000.00, against Gabriel and Marcella Buitrago, is hereby mitigated in amount to \$2,109.19.

SECTION 2. That this mitigated amount of \$2,109.19 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$2,109.19 not be paid within the specified time the lien shall revert to the original amount of \$20,000.00.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2005

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2005

MITIGATION REQUEST SUMMARY

DATE: March 31, 2005

NAME: Gabriel and Marcella Buitrago

ADDRESS: 3200 SW 148 Avenue

CASE: 02-286

SUMMARY:

Date respondent cited, Final Order Issued and Fine/Lien Imposed:	February 19, 2002
In the amount of:	\$ 20,000.00

Department Guideline recommended mitigation amount:	\$ 2,109.19
Amount the respondent desires to pay:	\$ 2,109.19

The property owner was cited for the following violations of the Town of Davie Code: Section 12-328, Section 12-33(T), Section 12-372, Section 26-1, Section 26-226(b), Section 8-17 and Florida Statutes Section 162.09(2)(a).

All violations have been corrected therefore mitigation is now possible.

The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$ 2,109.19 should be considered and approved by the Town Council and the respondent given 45 days to pay the mitigated amount.

DANIEL J. STALLONE
CODE COMPLIANCE OFFICIAL

**TOWN OF DAVIE CODE COMPLIANCE
MITIGATION WORKSHEET
CASE # 02-286**

Respondent(s): Gabriel and Marcella Buitrago

Address: 2300 SW 148 Avenue, Davie, FL

Fine/Lien Amount: \$ 20,000.00

Mitigation Recommendation:
(as per approved mitigation guidelines)

a) 5% of \$ 20,000.00	=	\$ 1,000.00
b) 2% of \$ 20,000.00 1 day of non-compliance equals 2% of lien/fine per 60 days of non-compliance	=	\$ 400.00
c) Mitigation Base Fee (Town costs incurred by Code Compliance)	=	\$ 709.19
Total	=	\$ 2,109.19



DEVELOPMENT SERVICES DEPARTMENT

Administration 954-797-1101

Planning & Zoning 954-797-1103

Building & Occupational Licensing 954-797-1111

Code Compliance 954-797-1121

Engineering 954 797-1113

TOWN OF DAVIE 6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399

MITIGATION INSPECTION REPORT

CASE NO. 02-286 DATE MITIGATION REQUESTED January 18, 2005

DATE FINAL ORDER ISSUED 2/21/02 REINSPECTION DATE March 16, 2005

RESPONDENT(S) Gabriel and Marcella Buitrago

PROPERTY ADDRESS 2300 SW 148 Avenue

VIOLATIONS ☺ COMPLIED ...X... ○ NOT COMPLIED (check one)

Engineering clearing & grubbing Permit #016-05, issued 3/16/05

MITIGATION HEARING DATE (If applicable) N/A

LIST VIOLATIONS COMPLIED: 1) 12-328; 12-33(t) now 12-33(u);

3) 12-372; SITE PLAN NOT REQUIRED, CLEARING & GRUBBING PERMIT ISSUED

AFTER-THE-FACT TO RECTIFY NUISANCE CONDITIONS UNDER CODE SECTION 26-56;

4) 26-1; 5)26-22(B)(6); 6) 8-17 BUILDING PERMIT NOT REQUIRED AT THIS TIME.

LIST VIOLATIONS NOT COMPLIED: _____

INSPECTOR DANIEL J. STALLONE

DATE MARCH 31, 2005

TOWN OF DAVIE MITIGATION GUIDELINES

FINE AMOUNT

RECOMMENDATION

Fine to \$10,000

**2.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$10,000 - \$20,000

**5.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$20,001 - \$30,000

**7.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$30,001 - \$40,000

**10.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$40,001 - \$50,000

**12.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$50,001 - \$60,000

**15.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$60,001 - \$70,000

**17.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$70,001 - \$80,000

**20.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$80,001 - \$90,000

**22.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$90,001 - \$100,000

**25.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

Over \$100,000

**30.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

This schedule would be utilized for first time violators and repeat violators.

MITIGATION BASE FEE (COST OF CASE ADMINISTRATION AND DEVELOPMENT) SHALL BE ADDED TO THE TOTAL DERIVED FROM APPLICATION OF ABOVE GUIDELINES. THE MITIGATION BASE FEE IS BASED UPON THE EXPENSES INCURRED BY TOWN EMPLOYEES AND ALL ACCOMPANYING COSTS.

MITIGATION BASE FEE* \$709.19

***Subject to revision as per current staff salaries**